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REMARKS

Claims 1-14 were pending in the application. Claims 11-14 were withdrawn from consideration. Claims 1-10 stand rejected. The Examiner indicated claims 4 and 7-9 appeared to have allowable subject matter pending an amendment to correct deficiencies under 35 U.S.C. § 112, first and second paragraphs.

By way of this amendment, the Applicant has amended Claims 1, 4, 6-7, and 10, and added new claims 15-25. Accordingly, Claims 1-10 and 15-25 are pending in the application.

Claim Rejections Under 35 U.S.C. § 102, first paragraph

The Examiner rejected claim 4 as failing to comply with the written description requirement. In particular, the Examiner stated claim 4 contained subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time of filing.

By way of this amendment, the Applicant has amended claim 4 to clarify that the stays are reinforcing stays comprising a pair of raised shoulders positioned on the length of one end of the ribs and adjacent to the central gap. Support for this description can be found in the specification at paragraph [0020] at reference numbers 46 and 48, and in Figures 2, 7-8 at the same reference numbers.

Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

Claim Rejections Under 35 U.S.C. § 102, second paragraph

The Examiner rejected claims 1, 4 and 6 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

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First, the Examiner noted that the structural relationship of the structure of claim 1 was not clearly set forth to allow the lug on the collar to extend from the neck. The Applicant has amended claim 1 to clarify the structural relationship between the lug on the sloping collar and the neck by claiming that the lug extends outwardly and away from the neck and that the sloping collar slopes inwardly from the container body and the neck extends upwardly therefrom.

Therefore, the Applicant respectfully request reconsideration of the pending claims.

Second, the Examiner noted that it was unclear whether the stop wall extended across the closure or the chord. The Applicant has further amended claim 1 to clarify that the stop wall extends across the dispensing closure on a chord. An accepted definition of a chord is a line segment that joins two points on a curve. Therefore, the use of a "chord" is meant to locate the stop wall within the interior of the dispensing closure along an imaginary line between two points on the closure body. Therefore, the Applicant respectfully requests reconsideration of the pending claims.

Third, the Examiner noted that there was insufficient antecedent basis for the limitation "said collar" on line 16 because more than one collar had been set forth in the claim. The Applicant has further amended claim 1 to clarify the difference between the sloping collar on the container and the annular collar on the dispensing closure. Therefore, the Applicant respectfully requests reconsideration of the pending claims.

Fourth, the Examiner noted there lacked a structural description of the "stays" in claim 4. As described above, the Applicant has amended claim 4 to clarify the structure of the "stays" claimed therin and respectfully requests reconsideration of the pending claims.

And finally, the Examiner noted that there lacked a structural description of the "segment" in claim 6. The Applicant has amended claim 6 to clarify the structural relationship

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between the lug and the segment formed thereon. The segment is formed by having a portion of the lug narrowed, thus showing two distinct portions – the segment portion and the lug portion. Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

In view of the foregoing, the Applicant respectfully requests reconsideration of the pending claims.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3, and 10 under 35 U.S.C. § 103(a) as being obvious over the U.S. Patent No. 5,806,698, issued to Aguirrezabal in view of U.S. Patent No. 6,571,994, issued to Adams et al. Specifically, the Examiner stated:

To the degree set forth in the claims, Aguirrezabal teaches a container and closure as claimed wherein the stop wall is represented by ribs 7 and 14. Aguirrezabal does not teach an annular bead on the container or interrupted beads on the closure collar.

Adams teaches it is known to utilize screw threads or an annular bead for engaging a container and closure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute beads for the screw threads of Aguirrezabal. Doing so is an obvious substitution of known equivalent structure for engaging a container and closure.

The Applicant respectfully disagrees. The stop wall of the Applicant's invention is located on the dispensing closure, which is contrary to the teaching of Aguirrezabal. See 42 and 44 in Fig. 2 of this application. The ribs 7 and 14 of Aguirrezabal, however, are located on the body of the container. See Fig. 2 and 3 of Aguirrezabal. Moreover, the dispensing closure of Applicant's invention teaches the use of a single lug 60 with a segmented end 62 located on the container, which is contrary to Aguirrezabal which teaches the use of two ribs 7 and 14 on the body of the container. Compare Figs. 3 and 4 of this disclosure with Figs. 2 and 3 of Aguirrezabal.

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Additionally, Aguirrezabal teaches the use of a stop catch 10 with a hooked end 16 located on the dispensing closure rather than the stop wall 42, 44 with a central gap 40 of Applicant's invention. Compare Fig. 5 of Aguirrezabal with Fig. 2 of this application. Because Aguirrezabal does not teach the use of a stop wall located on the dispensing closure or the use of a single lug on the container to positively align the dispensing closure thereon, Aguirrezabal cannot render obvious the dispensing closure of Applicant's invention. Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

The Examiner rejected claims 1-3, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent No. DE 196 52 148, issued to Schwarz, in view of Adams. In particular, the Examiner stated:

To the degree set forth in the claims, Schwarz teaches the claimed container and closure except for an annular bead on the container or interrupted beads on the closure collar.

Adams teaches it is known to utilize screw threads or an annular bead for engaging a container and closure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute beads for the screw threads of Schwarz. Doing so is an obvious substitution of known equivalent structure for engaging a container and closure.

The Applicant respectfully disagrees. Schwarz discloses a dispensing closure that has a depending wall 20 that engages a pair of raised shoulders 71, 81 on the container body 2 to center the dispensing closure thereon. See Figs. 1, 2 and 4 in Schwarz. The combination of Applicant's invention, however, uses a single lug 60 with a dovetail end 62 on the container that is trapped in the central gap 40 of a stop wall 42, 44 on the dispensing closure. See Figs. 2, 3, and 8 in this application. Schwarz does not teach a stop wall with a central gap nor the use of a single lug on the container for positive alignment of the dispensing closure thereon. Therefore, Schwarz

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cannot render obvious the dispensing closure of the present invention. Therefore, the Applicant respectfully solicits reconsideration of the pending claims.

Conclusion

In view of the foregoing, the Applicant respectfully solicits reconsideration of the pending claims.

The USPTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,



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